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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,541	05/10/2001	Jonathan S. Stinson	PC10247C	7185

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EXAMINER	
MILLER, CHERYL L	
ART UNIT	**PAPER NUMBER**
3738	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,541	STINSON, JONATHAN S.	
	Examiner	Art Unit	
	Cheryl Miller	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan (USPN 5,830,217). See figures 2, 3, and respective portions of the specification. Referring to claim 33, Ryan discloses an occlusion delivery system comprising a tubular body (3) including a proximal end (right end of 3), distal portion, a distal end (left end of 3) on the distal portion, and a length between the distal end and the proximal end, an occlusion device (2) positioned on the distal portion of the tubular body (3) and a distal tip (12, 15) disposed on the distal portion of the tubular body (3), the tip (12, 15) including at least a partially bioabsorbable or dissolvable material (col.4, lines 41-42), wherein the tip (12, 15) has a first dimension prior to introduction into a body lumen and a second smaller dimension after the tip is disposed within the lumen.

Referring to claim 34, Ryan discloses a bioabsorbable or dissolvable material comprising starch or poly vinyl pyrrolidone (col.6, lines 29-51; col.7, lines 1-14, 49-52).

Referring to claim 35, Ryan discloses a distal tip (12, 15) comprising a lumen (perforation for guidewire, col.4, lines 41-45).

Referring to claim 36, Ryan discloses a distal tip (12, 15) made of at least one of a biostable polymer and a bioabsorbable or dissolvable composite material (col.6, lines 29-67).

Referring to claims 37 and 44, Ryan discloses a distal tip (12, 15) configured to dissolve or biodegrade in less than about 15, or within the range of about 5 to 10 minutes when in vivo (col.7, lines 54-64).

Referring to claims 38-40, Ryan discloses a distal tip (12, 15) having a first shape and dimension (col.3, lines 6-9) and a second shape and smaller dimension (col.3, lines 9-14).

Referring to claim 41, Ryan discloses a distal tip (12, 15) having a smooth transition (see fig.2, 3) at an edge of the tubular body (3).

Referring to claim 42, Ryan discloses a distal tip (12, 15) comprising a deformable material (col.6, lines 19-21).

Referring to claim 43, Ryan discloses a distal tip (12, 15) molded or cast from a non-toxic biocompatible material (col.4, lines 46-55).

Referring to claims 45-46, Ryan discloses a method of using a delivery device comprising the steps of providing a delivery device having a tubular body (3), a distal tip (12, 15) on a distal portion of the body (3), the tip (12, 15) including at least one of a dissolvable, bioabsorbable and deformable material (col.4, lines 41-42) and a medical device (1) positioned on the distal portion of the tubular body (3), inserting the tubular body into a lumen, advancing the tubular body to a location in the lumen (col.8, lines 1-10), deploying the medical device in the lumen, allowing at least a portion of the tip to deform, dissolve, or bioabsorb to a lower profile (col.8, lines 18-27), withdrawing the tubular body from the lumen and withdrawing the distal end of the tubular body through at least a portion of the medical device (col.8, lines 31-34).

Claims 33, 35, 38-43, and 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (USPN 5,603,698). Referring to claim 33, Roberts discloses an occlusion delivery system (2) comprising a tubular body (4) including a proximal end, distal portion (10), a distal end (8) on the distal portion (10), and a length between the distal end and the proximal end, an occlusion device (balloon, col.9, lines 5-7) positioned on the distal portion of the tubular body and a distal tip (26) disposed on the distal portion of the tubular body (4), the tip including at least a partially bioabsorbable or dissolvable material (col.6, lines 30-42), wherein the tip has a first dimension (fig.2f) prior to introduction into a body lumen and a second smaller dimension (fig.2g) after the tip is disposed within the lumen.

Referring to claim 35, Roberts discloses a distal tip (26) comprising a lumen (35).

Referring to claims 38-40, Roberts discloses a distal tip (26) having a first shape and dimension (fig.2f) and a second shape and smaller dimension (fig.2g).

Referring to claim 41, Roberts discloses a distal tip (26) having a smooth transition (28, 29) at an edge of the tubular body (4).

Referring to claim 42, Roberts discloses a distal tip (26) comprising a deformable material (deforms as dissolves, col.6, lines 30-42).

Referring to claim 43, Roberts discloses a distal tip (26) molded or cast (col.5, lines 63-64) from a non-toxic biocompatible material.

Referring to claims 45-46, Roberts discloses a method of using a delivery device comprising the steps of providing a delivery device (2) having a tubular body (4), a distal tip (26) on a distal portion of the body (4), the tip (26) including at least one of a dissolvable, bioabsorbable and deformable material (col.6, lines 30-42) and a medical device (14) positioned

on the distal portion of the tubular body (4), inserting the tubular body into a lumen, advancing the tubular body to a location in the lumen, deploying the medical device in the lumen, allowing at least a portion of the tip to deform, dissolve, or bioabsorb to a lower profile, withdrawing the tubular body from the lumen and withdrawing the distal end of the tubular body through at least a portion of the medical device (col.2, lines 55-67).

Claims 33-35 and 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Brenneman et al. (USPN 6,071,300). See figures 6-9 and respective portions of the specification. Referring to claim 33, Brenneman discloses an occlusion delivery system comprising a tubular body (32) including a proximal end, distal portion, a distal end (34) on the distal portion, and a length between the distal end and the proximal end, an occlusion device (42, 74) positioned on the distal portion of the tubular body and a distal tip (140) disposed on the distal portion of the tubular body (32), the tip (140) including at least a partially bioabsorbable or dissolvable material (col.9, lines 11-14), wherein the tip has a first dimension prior to introduction into a body lumen and a second smaller dimension after the tip is disposed within the lumen (col.9, lines 10-20).

Referring to claim 34, Brenneman discloses a bioabsorbable or dissolvable material comprising poly vinyl pyrrolidone (col.9, lines 20-27).

Referring to claim 35, Brenneman discloses a distal tip (140) comprising a lumen (col.9, lines 3-4).

Referring to claim 37, Brenneman discloses a distal tip (140) configured to dissolve or biodegrade in less than about 15 (col.9, lines 11-16).

Referring to claims 38-40, Brenneman discloses a distal tip (140) having a first shape and dimension and a second shape and smaller dimension (col.9, lines 10-20).

Referring to claim 41, Brenneman discloses a distal tip (140) having a smooth transition at an edge of the tubular body (fig.6, 7).

Referring to claim 42, Brenneman discloses a distal tip (140) comprising a deformable material (deforms is shape as dissolves, col.9, lines 10-20).

Referring to claim 43, Brenneman discloses a distal tip (140) molded or cast from a non-toxic biocompatible material (col.9, lines 11-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Miller whose telephone number is (703) 305-2812. The examiner can normally be reached on Monday through Friday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on (703) 308-2111. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Cheryl Miller

BRUCE SNOW
PRIMARY EXAMINER